

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): A phosphor comprising at least one selected from the group consisting of Si and Ge, and Eu as an activator, and ratio R of not less than 40-%80% and not more than 99%, wherein the ratio R is calculated by entering value of [a] being peak amplitude derived from Eu<sup>2+</sup> and value of [b] being peak amplitude derived from Eu<sup>3+</sup> in primary differential pattern of an X-ray absorption near edge structure spectrum into the following equation (1).

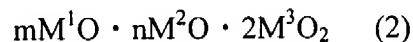
$$R(\%) = (a/(a+b)) \times 100 \quad (1)$$

2. (canceled).

3. (canceled).

4. (currently amended): The phosphor according to Claim 1, wherein the phosphor further comprising comprises at least one selected from the group consisting of Ca, Sr and Ba, and at least one selected from the group consisting of Mg and Zn.

5. (original): The phosphor according to Claim 1, wherein the phosphor has a compound represented by a formula (2) and Eu as the activator;



wherein, in the formula (2), M<sup>1</sup> is at least one selected from the group consisting of Ca, Sr and Ba,

M<sup>2</sup> is at least one selected from the group consisting of Mg and Zn,

M<sup>3</sup> is at least one selected from the group consisting of Si and Ge,

m is not less than 0.5 and not more than 3.5 and

n is not less than 0.5 and not more than 2.5.

6. (currently amended): A vacuum ultraviolet excited light-emitting device comprising  
~~any of the phosphors according to~~of any one of Claims 1, 4 or 5.

7. (canceled).